

**IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LARRY KLAYMAN, et. al.,

Plaintiffs,

v.

BARACK HUSSEIN OBAMA II, et. al.

Defendants.

Civil Action No.: 13-cv-851

Judge Richard J. Leon

**PLAINTIFFS' MOTION TO COMPEL DEFENDANTS'
COMPLIANCE WITH FRCP RULE 26**

Plaintiffs, Larry Klayman, Charles Strange, Mary Ann Strange, Matt Garrison, and Michael Ferrari, respectfully request that this Court issue an order compelling Defendants to comply with Federal Rules of Civil Procedure ("FRCP") Rule 26 and as grounds therefor would show:

Under FRCP Rule 26:

(f) Conference of the Parties; Planning for Discovery.

(1) *Conference Timing.* Except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B) or when the court orders otherwise, the parties must confer as soon as practicable—and in any event at least 21 days before a scheduling conference is to be held or a scheduling order is due under Rule 16(b).

In this Court's respective Standing Orders, the Court has ordered the Rule 26 conference to take place "within 30 days of all defendants answering the complaint or filing other motions

under Rule 12(b).” See No. 13-851, ECF No. 6 at 2; see also No. 13-881, ECF No. 4 at 4 (same).

The Government Defendants are again simply stalling, and engaging in delay tactics since the onset of this lawsuit. For instance, they have falsely asserted that the individual Government Defendants have not been served, requiring Plaintiffs to file their Motion For Entry Of Default And To Strike Government Defendants Answer To Plaintiffs Third Amended Complaint (ECF No. 85).¹

The Government Defendants are simply stalling, attempting to avoid even the start of discovery. It has therefore become clear that a motion to compel is the only way in which the Defendants will attend a Rule 26 conference or serve initial disclosures upon Plaintiffs.

Defendants have refused to consent to a Rule 26 conference and Plaintiffs informed Defendant's counsel that they intended to move to compel compliance with Rule 26. See email from Obama Justice Department attached as Exhibit 1.

WHEREFORE, Plaintiffs respectfully request that this Court issue an order compelling the Government Defendants and their counsel to comply with FRCP Rule 26.

Dated: April 1, 2014

Respectfully submitted,

/s/ Larry Klayman

Larry Klayman, Esq.

General Counsel

Freedom Watch, Inc.

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¹ Service for *Klayman III* (No. 14-cv-92) has been sent out and Plaintiffs are awaiting returns of service from their U.S.P.S. Certified Mail. It is apparent that Defendants are engaging in more delay tactics.

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Attorney for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of April, 2014, a true and correct copy of the foregoing Motion to Compel Compliance with Rule 26 (Civil Action No. 13-cv-851) was submitted electronically to the District Court for the District of Columbia and served via CM/ECF upon the following:

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Respectfully submitted,

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